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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,257

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George Thompson

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EXAMINER

SHRESTHA, BLEENDRA K

ART UNIT

PAPER NUMBER

3691

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DELIVERY MODE

03/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/691,257

Applicant(s)

THOMPSON ET AL.

Examiner

BIJENDRA K. SHRESTHA

Art Unit

3691

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5 and 7-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 7-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-39 are presented for examination. Applicant filed an amendment on 08/18/2008 amending claims 1, 5, 7-9, 12, 14-16, 18-20, 22-26, 30-32, and 34-39, canceling claims 4 and 6. After consideration of applicant's arguments and amendments, new grounds of rejections of claims necessitated by Applicant's amendment are established in the instant application as set forth in detail below. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-13, 18-30 and 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, U.S. Pub No. 2002/0055899 (reference A in attached PTO-892) in view of Babcock (reference U in attached PTO-892) further in view of Kalgren et al., U.S. Patent No. 6,665,558 (reference B in attached PTO-892).

3. As per claim 1, Williams teaches a method for determining and displaying trading trends comprising

the steps of obtaining market information for a time period wherein the market information comprises at least (a) a first set of market data for the currency pair based

on a series of consecutive first time intervals within the time period comprising a first opening value and a first closing value for each consecutive first time interval, (b) a second set of market data for the currency pair based on a series of consecutive second time intervals within the time period comprising a second opening value and a second closing value for each consecutive second time interval (see abstract, paragraph [0017]; where market information of virtually any form of security is received from NASDAQ is displayed in the Display System (10));

displaying a first visual favorable/unfavorable trade indicator for the first time intervals based on a comparison of the first opening value trend to the first closing value trend for the currency pair, wherein the first visual favorable/unfavorable trade indicator is a first color whenever the first closing value trend is greater than the first opening value trend and the first visual favorable /unfavorable trade indicator is a second color whenever the first closing value trend is lower than the first opening value trend (see Fig. 3, block 62; paragraph [0026] and [0063]; where color changes according to activities indicating direction which equivalent showing favorable or unfavorable direction of the trade); and

displaying a second visual favorable /unfavorable trade indicator for the second time intervals based on a comparison of the second opening value trend to the second closing value trend for the currency pair, wherein the second visual favorable /unfavorable trade indicator is the first color whenever the second closing value trend is greater than the second opening value trend and the second visual favorable / unfavorable trade indicator is the second color whenever the second closing value trend

is lower than the second opening value trend (see Fig. 3, block 70; where movement indicator changes color according to auction participants raises or lower its bid or ask, which Examiner interprets equivalent to favorable / unfavorable trade indicator).

Williams does not teach calculating a first opening value trend for the first time intervals using a market trend indicator and the first opening values for the currency pair and a second opening value trend for the second time intervals using the market trend indicator and the second opening values for the currency pair; calculating a first closing value trend for the first time intervals using the market trend indicator and the first closing values for the currency pair and a second closing value trend for the second time intervals using the market trend indicator and the second closing values for the currency pair;

Babcock teaches calculating an opening and closing value trend using a market trend indicator and the opening and closing values for the one or more currency pairs (see page 1, paragraph 1-4; where trend value is calculated using trend filter such as moving average).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to include calculating an opening and closing value trend using a market trend indicator and the opening and closing values for the one or more currency pairs of Williams because Babcock teaches including above feature would enable to exploit the trend component of market price action (Babcock, page 1, paragraph 1, lines 1-2).

Williams does not teach simultaneous display of two different consecutive time series data for different time interval.

Kalgren et al. teach simultaneous display of two different consecutive time series data of different time interval (Kalgren et al., Fig. 4; column 2, lines 1-5; column 8, lines 21-24)

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include simultaneous display of two different consecutive time series data of different time interval of Williams because Kalgren et al. teach including above features enable physicians to correlate the data and diagnose and treat a patient (Kalgren et al., column 2, lines 3-5).

4. As per claim 2, Williams in view of Babcock further in view of Kalgren et al. teaches claim 1 as described above. Williams further teaches the method wherein the opening value is an opening price and the closing value is a closing price (see paragraphs [0013-0015].

5. As per claim 3, Williams in view of Babcock further in view of Kalgren et al. teaches claim 1 as described above. Williams further teaches the method wherein the opening value is an opening trading volume and the closing value is a closing volume.

6. As per claims 5 and 7, Williams in view of Babcock further in view of Kalgren et al. teaches claim 1 as described above. Williams further teaches the method wherein

the first color is green; and the second color is red (see paragraph [0026]; where user specify color and its changes according to activity occurring relative to a specific stock).

7. As per claim 8, Williams in view of Babcock further in view of Kalgren et al. teaches claim 1 as described above. Williams further teaches the method wherein

the first visual favorable / unfavorable indicator displays the first time interval and the second visual favorable / unfavorable indicator displays thesecond time interval (see Fig. 10).

8. As per claim 9-10, Williams in view of Babcock further in view of Kalgren et al. teaches claim1 as described above.

Williams does not teach the step of displaying the first opening value trend as a first line and the first closing value trend as a second line in a graph; and the step of displaying a list of information about a point selected on either the first line or the second line.

Kalgren et al. teach the step of displaying the first opening value trend as a first line and the first closing value trend as a second line in a graph; and the step of displaying a list of information about a point selected on either the first line or the second line (Kalgren et al. Fig. 10).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to include the step of displaying the first opening value trend as a first line and the first closing value trend as a second line in a graph; and the step of displaying a list of information about a point selected on either the first line or the

second line of Williams because Kalgren et al. teach including above feature would enable physicians to correlate the data and diagnose and treat a patient (Kalgren et al., column 2, lines 3-5).

9. As per claims 11, Williams in view of Babcock further in view of Kalgren et al. teach claim 1 as described above.

Williams does not teach the method wherein the market trend indicator comprises one or more regression algorithms selected from: stochastics, relative strength, directional 3 movement, commodity channel, simple average, exponential average weighted average, 4 MACD (simple), MACD (exponential), momentum/ROC, midrange, William's %R, 5 parabolic stop, volatility stop, trailing stop, high low stop, Bollinger Bands, Keltner Channel, 6 uniform channel, regression channel, swing lines, cycle forecast, on balance volume, overlay 7 chart, point & figure, moving average, moving linear regression, upper envelope, lower 8 envelope, %K, %D, %D slow, %D averaged, %R, RSI, momentum, acceleration, moving 9 average oscillator, moving average momentum, moving average convergence-divergence 10 oscillator, moving average convergence-divergence, MACD signal line, commodity channel 11 index, rate of change in prices, on balance volume variance, standard deviation, volatility 12 ratio, volatility, skew, kurtosis, Williams Accumulated Distribution, Arm's Ease of 13 Movement, plus directional indicator, minus directional indicator, directional movement and 14 average directional movement.

Babcock teaches a method identifying trend using trend filter such as a method of moving average to look at recent price action and determines whether the trend is up, down or neutral (Babcock, page 1, paragraph 1).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to include features described above of Williams because Babcock teaches including those feature would enable traders to exploit the trend component of market price action (Babcock, page 1, paragraph 1, lines 1-2).

10. As per claim 12, Williams in view of Babcock further in view of Kalgren et al. teach claim 1 as described above. Williams further teaches the method wherein

the first opening value trend is calculated without using the first opening value from the most recent first time interval within the time period (see column [0015]; where trend is projected based on historical data).

11. As per claim 13, Williams in view of Babcock further in view of Kalgren et al. teach claim 1 as described above. Williams further teaches the method wherein

selecting a market information source (see paragraph [0037]; where file server selects data from NASDAQ Level1 and Level 2 data feed); and

communicably connecting to the market information source (see paragraph [0037]; where display system is connected to file server supplying market information from NASDAQ data feed).

12. As per claim 18-19, Williams in view of Babcock further in view of Kalgren et al. teaches claim 1 as described above. Williams further teaches the method wherein

the step of selecting the first time interval; and the second time interval is a preset time based on a user profile (see paragraph [0015]).

13. As per claims 20, Williams in view of Babcock further in view of Kalgren et al. teaches claim 1 as described above. Williams further teaches the method comprising the step of repeating the steps of obtaining the market information, calculating the opening value trend and the closing value trend, and displaying the visual favorable /unfavorable trade indicator for a set of different time intervals (see paragraph [0015]).

14. As per claim 21, Williams in view of Babcock further in view of Kalgren et al. teaches claim 1 as described above. Williams further teaches the method wherein the set of different time intervals comprises five minutes, ten minutes, fifteen minutes and thirty minutes (see paragraph [0015]).

15. As per claim 22, Williams in view of Babcock further in view of Kalgren et al. teaches claim 1 as described above. Williams further teaches the method comprising the step of repeating the steps of obtaining the market information, calculating the opening value trend and the closing value trend, and displaying the visual favorable /unfavorable trade indicator for one or more other currency pairs (Examiner notes steps need to be repeated for each new transactions).

16. As per claim 23, Williams in view of Babcock further in view of Kalgren et al. teaches claim 1 as described above. Williams further teaches the method wherein the step of updating the opening values, the closing values, the opening value trend, the closing value trend and the visual favorable /unfavorable trade indicator (see paragraph [0007]; where financial data received is in real-time).

17. As per claim 24, Williams in view of Babcock further in view of Kalgren et al. teaches claim 1 as described above. Williams further teaches the method wherein the step of signaling a user whenever any of the visual favorable /unfavorable trade indicator change (see paragraph [0025]; where color change is indicated to user for significant activity relative to a particular stock).

18. As per claim 25, Williams in view of Babcock further in view of Kalgren et al. teaches claim 1 as described above.

Williams teach a computer program embodied in a computer readable medium for determining and displaying trading trends comprising a code segment for obtaining market information for one or more currency pairs for two or more time intervals (see paragraph [0037-0039];

Babcock teaches a code segment for calculating an opening value trend using a market trend indicator and the opening values for the one or more currency pairs; and a code segment for calculating a closing value trend using the market trend indicator and the closing values for the one or more currency pairs (see page 1, paragraph 7)

Kalgren et al. teaches a code segment for displaying a visual indicator comparing the opening value trend to the closing value trend for the one or more currency pairs (see Fig. 10).

19. As per claim 26-27, Williams in view of Babcock further in view of Kalgren et al. teaches claim 25 as described above. Claim 26-27 is rejected under same rational as claim 9-10 described above.

20. As per claim 28, Williams in view of Babcock further in view of Kalgren et al. teaches claim 25 as described above. Claim 28 is rejected under same rational as 11 described above.

21. As per claim 29, Williams in view of Babcock further in view of Kalgren et al. teaches claim 25 as described above. Claim 29 is rejected under same rational as 12 described above.

22. As per claim 34, Williams in view of Babcock further in view of Kalgren et al. teaches claim 25 as described above. Claim 34 is rejected under same rational as 18 described above.

23. As per claim 35, Williams in view of Babcock further in view of Kalgren et al. teaches claim 25 as described above. Claim 35 is rejected under same rational as 20 described above.

24. As per claim 36, Williams in view of Babcock further in view of Kalgren et al. teaches claim 25 as described above. Claim 36 is rejected under same rational as 22 described above.

25. As per claim 37, Williams in view of Babcock further in view of Kalgren et al. teaches claim 25 as described above. Claim 37 is rejected under same rational as 23 described above.

26. As per claim 38, Williams in view of Babcock further in view of Kalgren et al. teaches claim 25 as described above. Claim 38 is rejected under same rational as 24 described above.

27. As per claim 39, Williams teaches an apparatus for determining and displaying trading trends as described in claim 1. Williams further teaches the apparatus comprising:

a computer communicably connected to a market information source (see paragraph [0037]; where file server selects data from NASDAQ Level1 and Level 2 data feed);

a display communicably connected to the computer (see paragraph [0037]; where display system is connected to file server supplying market information from NASDAQ data feed); and

the computer obtaining market information for one or more currency pairs for two or more time intervals from the market information source (see paragraph [0017]; where market information of virtually any form of security is received from NASDAQ is displayed in the Display System (10)),

28. Claims 14-17 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, U.S. Pub No. 2002/0055899 (reference A in attached PTO-892) in view of Babcock (reference U in attached PTO-892) further in view of Kalgren et al., U.S. Patent No. 5,347,452 (reference B in attached PTO-892) and further in view of Loh et al., U.S. pub No. 2002/0161692 (reference C in PTO-892).

29. As per claim 14-17, Williams in view of Babcock further in view of Kalgren et al. teaches claim 1 as described above.

Williams does not teach the step of executing a trade involving one of the currency pairs; the step of simulating an execution of a trade involving one of the

currency pairs; the step of calculating a potential tax liability for an execution of a trade involving one of the currency pairs; and the step of searching for one or more investment trading opportunities based on one or more search criteria.

Loh et al. teach the step of executing a trade involving one of the currency pairs; the step of simulating an execution of a trade involving one of the currency pairs, the step of calculating a potential tax liability for an execution of a trade involving one of the currency pairs, and the step of searching for one or more investment trading opportunities based on one or more search criteria (see Fig. 6; step 122 and 124; Fig. 6A, steps 154 and 158; Fig. 7, step 172 and 173 and Fig. 13).

Therefore, it would be prima facie obvious to two of ordinary skill in the art at the time the invention was made to include the step of executing a trade involving one of the currency pairs; the step of simulating an execution of a trade involving one of the currency pairs, the step of calculating a potential tax liability for an execution of a trade involving one of the currency pairs, and the step of searching for one or more investment trading opportunities based on one or more search criteria of Williams because Loh et al. teach including above feature would enable customer to place an order on the currency pair whereby order is matched against the posted rates, a match resulting in a trade, and a non-match resulting in a posting of the order (Loh et al., paragraph [0017]).

Response to Arguments

30. New grounds of rejections of claims necessitated by Applicant's amendment are established in the instant application. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

31. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosures. Applicant is required under 37 CFR 1.111(c) to consider references fully when responding to this action. The following are pertinent to current invention, though not relied upon:

B.C. et al. (U.S. Pub No. 2002/0069152) teach day trading system

Glodjo et al. (U.S. Patent No. 7,130,789) teach global electronic trading system.

Greenwood (U.S. Pub No. 2002/0156722) teaches automated securities trading system.

Impink, Jr. (U.S. Patent No. 6,211,880) teaches Display apparatus.

Katayama (U.S. Patent No. 6,897,867) teach information comparison display apparatus using colors and a method thereof.

Kay et al. (U.S. Patent No. 6,882,985) teach marketplace system fees enhancing market share and participation.

Khemlani (U.S. Patent No. 6,772,146) teaches website for financial information.

Lozman (U.S. Patent No. 5,689,651) teaches system for processing and displaying financial information.

Picciolo (U.S. Patent No. 7,194,434) teaches method for predictive determination of financial investment performance).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571)270-1374. The examiner can normally be reached on 7:00AM-4:30 PM (Monday-Friday); 2nd Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bks/3691
02/25/2009

/Hani M. Kazimi/
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